THE HVMBLE PETITIONS OF

{ Mr. *Burton* & Dr. *Bastwicke*. }

PRESENTED TO THE HONOVRABLE The KNIGHTS, CITIZENS, and Burgesses, of the Commons house of PARLIAMENT.

Printed in the yeare. 1641.

PETITIONS

OF

HARVARD COLLEGE LIBRARY
FROM THE BEQUEST
OF F. L. RAY
JUNE 1, 1918

PRESENTED TO

THE HONOURABLE

The Knights, Citizens, and

Burgeſſes, of the Commons-houſe

of PARLIAMENT.

Printed in the Year, 1641.

TO THE HONOVRABLE

The Knights, Citizens, and Burgesses, of the Commons house of Parliament.

The humble Petition of Henry Burton, *late exile, and close Prisoner in Castle Cornet, in the Ile of Garnesey.*

In all humblenesse sheweth,

THat whereas your Petitioner, on the 5 of *Novemb.* 1636, did preach two Sermons in his own Parish Church in St. *Matthew Friday-street, London*, for the which hee was in *December* then next following, summoned to appeare before *D. Ducke*, one of the Commissioners for causes Ecclesiasticall, at *Chelsmake*, in the County of *Middlesex*: where (with the Register of the High Commission Court) the said *D. Ducke* tendred to the Petitioner, the Oath *Ex Officio*, to answer to certaine Articles there presented: which Oath the Petitioner refusing to take, did then and there appeale from the said Court, unto the Kings Majesty: which appeale the said *D. Ducke* did admit, and the said Register by *D. Duckes* direction, did then, and there enter in writing.

Notwithstanding which said appeale, a speciall High Commission Court was shortly after called at *London*, consisting of foure or five Doctors, where the said Commissioners proceeded illegally, to suspend the Petitioner in his absence, by meanes whereof, and of the threatnings of the said Commissioners, hee was enforced to keepe his house, untill a *Sergeant at Armes*, with divers Pursevants and other armed Officers, assisted by *Alderman Abel*, then Sheriffe of *London* beset the Petitioners House, at 11 of the Clock at night, and violently broke open his dores with Iron crowes, and the like, and surprised him in his house, he making no resistance at all: where having first searched his study, and taking away such Bookes as they pleased, they carried your Petitioner to prison, whence, the next day being the second of *Feb.* by a pretended Order from the Lords of the Counsell, he was conveyed to the Fleet, and there kept close prisoner.

During which imprisonment, an information was exhibited against the Petitioner, and others in his Majesties Court of Star-Chamber, whereby he was charged (*inter alia*) with publishing of a certaine Booke, containing *an Apology for an Appeale*, with his said two Sermons, Intituled, *For God and the King*, wherein hee taught Subjects to yeeld all manner of due obedience to their lawfull King, and reproved all lawlesse Innovations in Religion, &c. Which Information, the Petitioner upon his Oath un-

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det the hand of *M. Hub*, being then of his counsell, assigned by speciall order from the said Court, did put in his answer, wherein hee alledged such things onely, as his said Counsell conceived to be materiall, and pertinent for his just defence in publishing the said booke, but denyed all other matters in the said Information concerned, which said Answer, being admitted and received in Court, the petitioner (being then a close prisoner) not onely attended the exhibiting of Interrogatories, according to the custome of that Court, but withall, after some universall delay, did write unto the Kings Attourney to hasten them: but before the examiner came, the petitioner heard that his said Answer was referred to Sir *Iohn Bramston*, Knight, Lord chiefe Justice of the Kings Bench: Sir *Iohn Finch*, then chiefe Justice of the Common-pleas, and was by them wholy expunged as impertinent and Scandalous (save onely the not-guilty) And the petitioner understanding the answer he was to make to the Interrogatories was to be reckned as a part of his answer, admitted in court, but afterward expunged as impertinent & scandalous (as aforesaid) so as if he should then have answer'd the Interrogatories, he should thereby have assented to the said act of the said Iudges, and so to the condemnation of his cause before the hearing, whereby he should have contracted his former Oath, that his said Answer was a true Answer, and so should justly have brought himselfe under the guilt of wilful per-

jury, and his cause under just censure. For that very reason he held himselfe not bound, (as hee conceived) to answer the Interrogatories, for that his said answere was so expunged, and the (*Not-Guilty*) as the foot so tied to the head without the maine body, (and that in the Judges owne words) as the Petitioner could not in any sort take or acknowledge it now for other then the Judges owne answere, as may appeare upon Record in the same Court.

Neverthelesse, the Court taking the same information *Pro confesso*, and refusing to admit a copie of the Petitioners own true answer, as also of his reasons of not answering the Interrogatories, both which at his Censure, he tendred to the Court, desiring they might bee then and there publikely read the 14. of Jnne, 13. *Caroli Regis*, proceeded to censure, whereby your Petitioner was censured *in a Fine of 5000. li. to his Majesty, To be deprived of his ecclesiastical benefice, degraded from his Ministeriall function and degrees in the Vniversity, and ordered to be set on the Pillory, where both his ears were to be cut off, confined to perpetual close imprisonment in* Lancaster *Castle, debarred the accesse of his wife or any other, to come to him, but onely his Keeper, and denied the use of penne, inke, and paper.* All which (except the Fine) was executed accordingly. And after his close imprisonment for twelve weekes in the common Gaole in the said Castle, hee was (by what extrajudicial order he knows not) transported by the conduct of one *Brian Burton* appointed

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by the *High* Sheriffe of Lancaster, (who used your Petitioner very basely and deceitfully, (in that his transportation) which was in the Winter season through dangerous seas; to the apparant hazzard both of his health and life) to the said Castle of *Garnsey*, where hee hath remained a close prisoner and exile almost three whole yeares, his wife utterly prohibited upon paine of imprisonement to set her foote upon any part of the Iland, where shee might but enquire how her husband did, contrary to the Lawes of God, and the liberties of this Kingdome.

May it therefore please this Honourable House to take the Petitioners sad cause into consideration, and for the better manifestation of his grievance in this cause, to assign him for Counsel *Master Serjeant* [illegible], *Master Tomlins*, and *Master* [illegible] to assist him in his cause, and so command that hee may take out such copies *Gratis* out of the said severall Courts, as doe or may concerne his said cause.

And your Petitioner as in duty bound, shall daily pray for your prosperities.

HENRY BURTON.

TO THE HONOVRABLE The Knights, Citizens, and Burgesses, of the Commons House of *Parliament*.

The humble *Petition* of *John Bastwicke*, Doctor in *Physicke*, lately retained close Prisoner and Exile in the *Island* of SYLLY.

Most humbly sheweth:

THat your Petitioner having about sixe yeares since set out a Booke in Latine called *Elenchus Religionis Papisticæ*, with an Addition thereunto called *Flagellum Pontificis, & Episcoporum Latialium*, being thereunto provoked by one *Richard Short*, a Papist that maintained the Popes Supremacie, the Masse, and Papall Religion; In which Booke your Petitioner (for preventing all misinterpretations, of his pious, and good intentions therein) in his Epistle to the Reader, fully declared himselfe, that your Petitioner meant nothing against such Bishops as acknowledged

ledged their Authority from Kings and Emperours; yet because your Petitioner (the better to shew the Papall usurpation of other Princes) therein, onely maintained by way of Argument (as other Orthodox writers of that subject usually have done) a parity of the said Bishop of *Rome*, or all other Bishops and Presbyters, by the word of God, denying his and their Supremacie over other Ministers to be by the Divine institution.

Thereupon a Pursevant by Authority from the High Commission Court came into your Petitioners house at *Colchester* in *Essex*, in his absence; and the said Pursevant assisted with the then Bayliffes and Constables of *Colchester* aforesaid, ransacked his said house, together with his Chests and Trunks, and with great violence broke open your Petitioners Study, which was in his Apothecaries house, and took and carried away divers of your Petitioners Bookes, Writings, Letters, and what else the Pursevant pleased, without making of restitucion of them to your Petitioner.

And then your Petitioner was prosecuted in the said high Commission Court, principally for his said Booke; where after a long and chargeable prosecution, he was the 12. of *Feb.* 1634. fined 1000.*li.* to the King, excommunicated, debarred to practice Physicke, the chiefest means of his livelihood, his said Booke ordered to be burnt; That he should pay cost

of ſuit, and be impriſoned till he ſhould make a recantation; the which heavy cenſure was only for the ſaid Book, wherin your Petitioner maintained the *Prerogative* of a King againſt the Papacy. Whereas one *Thomas Chawney* of *Eſſex*, lately wrote a Booke in maintenance of the Papall Religion, and in defence of the Church of *Rome*, and averres it to bee a true Church, the which Booke is dedicated to the *Archbiſhop* of *Canterbury*, and was and is patronized and defended by the ſaid *Archbiſhop*, and the ſaid *Chawney* never troubled for it. After which cenſure declared as aforeſaid, all the Biſhops that were then preſent denyed openly that they held their jurisdiction from his Majeſty, and affirmed that they had it from God only; and the *Archbiſhop* of *Canterbury* amongſt many other erroneous ſayings uttered by him, maintained the ſaid *Chawneys* Booke, and maintained that the Church of *Rome* was a true Church, and that it erred not in fundamentals: and he, and other the ſaid Biſhops, there defamed the holy Scripures, and abuſed reverend Mr. *Calvin*. In regard whereof, and for the vindicating of your Petitioners innocency in the matters for which he was moſt unjuſtly cenſured, as aforeſaid, your Petitioner publiſhed in print another Book in Latine Intituled, *Apologeticus ad Praeſules Anglicanos*, expreſſing the truth of his proceedings, and ſpeeches of his ſaid cenſure. For which laſt men-

mentioned Booke, and his Booke called the *Letany* (not then in print) an information was exhibited against him and others in the Star-Chamber, to which your Petitioners answer being drawn and engrossed, was only subscribed by himselfe, because he could get no counsell to set their hands to it; your Petitioner tendred the said Answer first at the Starre-chamber Office, and after in open Court at the Star-chamber Bar, but it would not be accepted for want of Counsellors hands to it, contrary to former Presidents. But the Court of Star-chamber tooke the said Information *Pro confesso*, and censured *your Petitioner* 5000. li. *fine to the King, to stand in the Pillory, and to loose both his eares, and to be close prisoner in* Lancaster Castle *in* Cornewall: all which hath been executed upon him with great extremity, to the perill of his life. After all which extremitie, your Petitioner (by what order he knoweth it not, it being no part of his Censure in Starre-chamber) was transported from the said Castle, *to the Iland of* SYLLY, a place so barren, that it affords not ordinary necessaries, where he hath been in close duration for three years or more, and not suffered to have any of his friends come at him, (his very Wife being prohibited by the Lords of the Counsels order) under paine of imprisonment, not to set her foot upon any part of the said *Iland* to enquire of his welfare. So that your Petitioner hath

beene exiled from his wife and divers small children 3. yeares and more, besides the great straits and miseries which hee hath sustained during the said time. All which is contrary to the law of God and man, and the Liberties of a free Subject, and to the utter undoing of your Petitioner, his Wife and children.

May it therefore please this Honourable Assembly to take these pressing grievances of your Petitioner into your considerations, and to afford him such reliefe therein, as in your grave wisedomes shall seeme consonant to Justice and equity, and to assigne him for Counsell, Mr. *Atkins*, Mr. *Lindbore*, Mr. *Tomlins*, Mr. *Gordon*, and Mr. *Randall*, to assist him in this his complaint, and to order that your Petitioner may take out *Gratis* such Copies of the said Censures, Warrants and Orders, and other the proceedings in the said seveall Courts as shall or may any way concerne this his sad, yet must just complaint, with warrant from this Honourable house, to bring in his witnesse.

And your Petitioner as in duty bound,

shall ever pray for your prospetities;

JOHN BASTWICKE.